



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

APR 23 2018

Mary Patricia Dorsey

Florissant, MO 63033

RE: MUR 7108
Chappelle-Nadal for Congress, *et al.*

Dear Ms. Dorsey:

On March 6, 2018, the Federal Election Commission reviewed the allegations in your complaint dated July 8, 2016, and found that on the basis of the information provided in your complaint and the responses submitted by the Respondents, there is no reason to believe that Citizens for Maria Chappelle-Nadal, Citizens to Elect Jay Mosley State Committee LLC, and Linda Weaver violated 52 U.S.C. § 30125(e)(1)(A) and (f). On the same day, the Commission also voted to dismiss the allegation that Citizens to Elect Gray violated 52 U.S.C. § 30125(f). Then, on April 19, 2018, the Commission found that there is no reason to believe Chappelle-Nadal for Congress and George Lenard in his official capacity as treasurer violated 52 U.S.C. §§ 30104(b) and 30125(e)(1)(A) and 11 C.F.R. § 104.13(a). Accordingly, the Commission closed its file in this matter on April 19, 2018.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003), and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). Factual and Legal Analyses, which more fully explain the Commission's findings, are enclosed.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson
Acting General Counsel

BY: Lynn Y. Tran
Assistant General Counsel

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Chappelle-Nadal for Congress and George MUR: 7108
Lenard in his official capacity as treasurer

I. INTRODUCTION

This matter was generated by a Complaint filed with the Federal Election Commission (the "Commission") by Mary Patricia Dorsey. The Complaint alleges that Chappelle-Nadal for Congress and George Lenard in his official capacity as treasurer (the "Federal Committee") violated the Federal Election Campaign Act of 1971, as amended (the "Act"), by directing state and local candidates to spend soft money to print and distribute a door hanger supporting Maria Chappelle-Nadal's federal candidacy. The Complaint also alleges that the Federal Committee coordinated the communication with the non-federal candidates, making expenditures for the door hanger in-kind contributions that the Federal Committee failed to report.

II. FACTUAL & LEGAL ANALYSIS

A. Factual Background

Maria Chappelle-Nadal is a Missouri State Senator who is running for statewide office in 2020.¹ During the 2016 election cycle, Chappelle-Nadal also ran for Congress.² The Complaint observes that Chappelle-Nadal's state committee, Citizens for Maria Chappelle-Nadal (the "State Committee"), donated money to other state and local candidates and committees, including Jay Mosley and Rochelle Walton Gray.³

¹ See Compl. at 1 (July 18, 2016); Amended Statement of Committee Organization, Citizens for Maria Chappelle-Nadal (Jan. 28, 2015).

² See Compl. at 1; Statement of Organization, Chappelle-Nadal for Congress (Oct. 6, 2015); Statement of Candidacy, Maria Chappelle-Nadal (Oct. 6, 2015).

³ See Compl. at 1.

1 The Complainant states that she received a door hanger promoting Chappelle-Nadal's
2 congressional candidacy in June 2016.⁴ She attached a copy of the door hanger to the
3 Complaint. The door hanger encourages people to "Vote Democratic & Elect" Chappelle-Nadal
4 and state and local candidates Jay Mosley, Rochelle Walton Gray, Tony Weaver, and Linda
5 Weaver. The front of the door hanger has pictures of each candidate and, on the back, there is
6 more information about Jay Mosley and Rochelle Walton Gray and a disclaimer that states,
7 "Paid for by Citizens to Elect Gray, Angela Mosley, Treasurer & by Citizens to Elect Jay
8 Mosley, LLC, Angela Mosley, Treasurer."⁵

9 The Complaint alleges that, after the State Committee gave money to Citizens to Elect
10 Gray and Citizens to Elect Jay Mosley State Committee LLC, the Federal Committee directed
11 those committees, along with Linda Weaver, to spend funds on the door hanger.⁶ The Complaint
12 therefore alleges that the Federal Committee violated the Act by directing the use of non-federal
13 funds in connection with a federal election. Because the Federal Committee allegedly requested
14 that Gray, Mosley, and Weaver produce and distribute the door hanger, the Complaint also
15 argues that the door hanger was a coordinated communication that the Federal Committee failed
16 to report as an in-kind contribution.⁷

17 In response, the Federal Committee denies coordinating with Gray and Mosley. It states
18 that the contributions made by the State Committee to Gray and Mosley were solely for the
19 purpose of supporting their campaigns and any "[d]ecisions concerning expenditure of those

⁴ *Id.*

⁵ *Id.*, Attach. A.

⁶ *Id.* at 1.

⁷ *See id.*

1 funds, once contributed, were entirely at the discretion of the Gray and Mosley candidate
2 committees.”⁸

3 The Commission is also in possession of additional information indicating that, despite
4 the disclaimer on the door hanger, Citizens to Elect Gray paid for the entirety of the
5 communication, and Mosley and Weaver did not pay for any portion. The additional information
6 in the Commission’s possession further indicates that Gray has denied coordinating with the
7 Federal Committee regarding the door hanger.

8 **B. Legal Analysis**

9 The Act’s soft money provision prohibits federal candidates, their agents, and entities
10 established, financed, maintained, or controlled (“EFMC’d”) by federal candidates from
11 soliciting, receiving, directing, transferring, or spending funds “in connection” with any federal
12 election unless the funds are in amounts and from sources permitted by the Act.⁹ Under
13 Missouri law, candidates can accept unlimited contributions and contributions from corporations
14 and labor unions.¹⁰ Therefore, Missouri allows candidates to collect funds in excess of federal
15 limitations and from sources prohibited by the Act, *i.e.* soft money.¹¹ Furthermore, when a
16 person produces a communication at the request or suggestion of a candidate or her authorized

⁸ Resp. at 2 (Aug. 15, 2016).

⁹ 52 U.S.C. § 30125(e)(1)(A)-(B); 11 C.F.R. §§ 300.61-.62.

¹⁰ MO. REV. STAT. §§ 130.011-.160 (providing no contribution limit); *id.* § 130.029 (stating that corporations and labor organizations may make contributions).

¹¹ 52 U.S.C. § 30116(a)(1)(A) (providing the individual contribution limit); *Contribution Limits for 2015-2016 Federal Elections*, FED. ELECTION COMM’N, <http://www.fec.gov/info/contriblimitschart1516.pdf> (last visited Jan. 30, 2017) (stating that the indexed individual contribution limit to a candidate and her authorized committee is \$2,700 per person, per election); *see also* 52 U.S.C. § 30118(a) (prohibiting corporations and labor unions from contributing to candidates and political committees).

1 committee, the communication is coordinated and must be reported by the committee as an in-
2 kind contribution.¹²

3 In this case, the Federal Committee, an entity EFMC'd by congressional candidate
4 Chappelle-Nadal, has denied directing Citizens to Elect Gray, a Missouri political committee free
5 to collect soft money, to pay for the door hanger.¹³ The Federal Committee's denial is supported
6 by additional evidence in the record. As there is no evidence that the Federal Committee
7 directed Citizens to Elect Gray to spend soft money on the door hanger, the Commission finds no
8 reason to believe that the Federal Committee violated 52 U.S.C. § 30125(e)(1)(A). Relatedly,
9 because there is no evidence that the Federal Committee coordinated with Citizens to Elect Gray
10 in the creation and distribution of the door hanger,¹⁴ the Federal Committee did not have to
11 report the door hanger as an in-kind contribution. Therefore, the Commission also finds no
12 reason to believe that the Federal Committee violated 52 U.S.C. § 30104(b) and the reporting
13 requirements at 11 C.F.R. § 104.13(a).

¹² 52 U.S.C. § 30116(a)(7)(B); 11 C.F.R. § 109.21(b)(1).

¹³ See Resp. at 2.

¹⁴ In order for an activity to be coordinated under the Commission's regulations, among other requirements, it must meet at least one of five enumerated conduct standards. 11 C.F.R. § 109.21(a)(3). Those standards are: request or suggestion; material involvement; substantial discussion; common vendor; and former employee or independent contractor. *Id.* § 109.21(c)(1)-(5); see also 52 U.S.C. § 30116(a)(7)(B). There is no evidence relating to any of these standards.

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Citizens for Maria Chappelle-Nadal and Neva MUR: 7108
Taylor in her official capacity as treasurer

I. INTRODUCTION

This matter was generated by a Complaint filed with the Federal Election Commission (the "Commission") by Mary Patricia Dorsey. The Complaint alleges that Citizens for Maria Chappelle-Nadal (the "State Committee") violated the Federal Election Campaign Act of 1971, as amended (the "Act"), by directing other state and local candidates to spend soft money to print and distribute a door hanger supporting Maria Chappelle-Nadal's federal congressional candidacy.

II. FACTUAL & LEGAL ANALYSIS

A. Factual Background

Maria Chappelle-Nadal is a Missouri State Senator who is running for statewide office in 2020.¹ During the 2016 election cycle, Chappelle-Nadal also ran for Congress.² The Complaint observes that the State Committee donated money to other state and local candidates and committees, including Jay Mosley and Rochelle Walton Gray, while Chappelle-Nadal was a federal candidate.³

The Complainant states that she received a door hanger promoting Chappelle-Nadal's congressional candidacy in June 2016.⁴ She attached a copy of the door hanger to the

¹ See Compl. at 1 (July 18, 2016); Amended Statement of Committee Organization, Citizens for Maria Chappelle-Nadal (Jan. 28, 2015).

² See Compl. at 1; Statement of Organization, Chappelle-Nadal for Congress (Oct. 6, 2015); Statement of Candidacy, Maria Chappelle-Nadal (Oct. 6, 2015).

³ See Compl. at 1.

⁴ *Id.*

1 Complaint. The door hanger encourages people to “Vote Democratic & Elect” Chappelle-Nadal
2 and state and local candidates Jay Mosley, Rochelle Walton Gray, Tony Weaver, and Linda
3 Weaver. The front of the door hanger has pictures of each candidate and, on the back, there is
4 more information about Jay Mosley and Rochelle Walton Gray and a disclaimer that states,
5 “Paid for by Citizens to Elect Gray, Angela Mosley, Treasurer & by Citizens to Elect Jay
6 Mosley, LLC, Angela Mosley, Treasurer.”⁵

7 The Complaint alleges that, after the State Committee gave money to Citizens to Elect
8 Gray and Citizens to Elect Jay Mosley State Committee LLC, it directed those committees, along
9 with Linda Weaver, to spend funds on the door hanger.⁶ The Complaint therefore alleges that
10 the State Committee violated the Act by directing the use of non-federal funds in connection
11 with a federal election.⁷

12 In response, the State Committee denies coordinating with Gray and Mosley. It states
13 that the contributions made by the State Committee to Gray and Mosley were solely for the
14 purpose of supporting their campaigns and any “[d]ecisions concerning expenditure of those
15 funds, once contributed, were entirely at the discretion of the Gray and Mosley candidate
16 committees.”⁸

17 The Commission is also in possession of additional information indicating that, despite
18 the disclaimer on the door hanger, Citizens to Elect Gray paid for the entirety of the
19 communication, and Mosley and Weaver did not pay for any portion. The additional information

⁵ *Id.*, Attach. A.

⁶ *Id.* at 1.

⁷ *Id.*

⁸ Resp. at 2 (Aug. 15, 2016).

1 in the Commission's possession further indicates that Gray denies coordinating with the State
2 Committee regarding the door hanger.

3 **B. Legal Analysis**

4 The Act's soft money provision prohibits federal candidates, their agents, and entities
5 established, financed, maintained, or controlled ("EFMC'd") by federal candidates from
6 soliciting, receiving, directing, transferring, or spending funds "in connection" with any federal
7 election unless the funds are in amounts and from sources permitted by the Act.⁹ Under
8 Missouri law, candidates can accept unlimited contributions and contributions from corporations
9 and labor unions.¹⁰ Therefore, Missouri allows candidates to collect funds in excess of federal
10 limitations and from sources prohibited by the Act, *i.e.* soft money.¹¹

11 In this case, the State Committee, an entity EFMC'd by congressional candidate
12 Chappelle-Nadal, has denied directing Citizens to Elect Gray, a Missouri political committee free
13 to collect soft money, to pay for the door hanger.¹² The State Committee's denial is supported
14 by additional evidence in the record. As there is no evidence that the State Committee directed
15 Citizens to Elect Gray to spend soft money on the door hanger, the Commission finds no reason
16 to believe that the State Committee violated 52 U.S.C. § 30125(e)(1)(A).

⁹ 52 U.S.C. § 30125(e)(1)(A)-(B); 11 C.F.R. §§ 300.61-.62. The Commission has concluded that a federal candidate's state committee is an entity EFMC'd by the federal candidate. Advisory Op. 2007-26 (Schock) at 4; Advisory Op. 2006-38 (Casey State Committee) at 4.

¹⁰ MO. REV. STAT. §§ 130.011-.160 (providing no contribution limit); *id.* § 130.029 (stating that corporations and labor organizations may make contributions).

¹¹ 52 U.S.C. § 30116(a)(1)(A) (providing the individual contribution limit); *Contribution Limits for 2015-2016 Federal Elections*, FED. ELECTION COMM'N, <http://www.fec.gov/info/contriblimitschart1516.pdf> (last visited Jan. 30, 2017) (stating that the indexed individual contribution limit to a candidate and her authorized committee is \$2,700 per person, per election); *see also* 52 U.S.C. § 30118(a) (prohibiting corporations and labor unions from contributing to candidates and political committees).

¹² *See Resp.* at 2.

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Citizens to Elect Gray and Angela Mosley MUR: 7108
 in her official capacity as treasurer

I. INTRODUCTION

This matter was generated by a Complaint filed with the Federal Election Commission (the "Commission") by Mary Patricia Dorsey. The Complaint alleges that Missouri candidate committee Citizens to Elect Gray and Angela Mosley in her official capacity as treasurer violated the Federal Election Campaign Act of 1971, as amended (the "Act"), by spending soft money to print and distribute a door hanger supporting Maria Chappelle-Nadal's federal candidacy.

II. FACTUAL AND LEGAL ANALYSIS

A. Factual Background

The Complaint in this matter alleges that Citizens to Elect Gray paid for a door hanger supporting Chappelle-Nadal for Congress.¹ A copy of the door hanger is attached to the Complaint. The door hanger encourages people to "Vote Democratic & Elect" Chappelle-Nadal and state and local candidates Jay Mosley, Rochelle Walton Gray, Tony Weaver, and Linda Weaver. The front of the door hanger has pictures of each candidate and, on the back, there is more information about Jay Mosley and Rochelle Walton Gray and a disclaimer that states, "Paid for by Citizens to Elect Gray, Angela Mosley, Treasurer & by Citizens to Elect Jay Mosley, LLC, Angela Mosley, Treasurer."²

Citizens to Elect Gray filed a Response stating that, though it was the candidates' original intention that Mosley's and Gray's committees share the cost of the door hanger, Citizens to

¹ Compl. at 1 (July 8, 2016).

² *Id.*, Attach. A.

1 Elect Gray paid the entire cost of \$356.56.³ The Respondent attached a copy of the order
2 confirmation, which billed Citizens to Elect Gray for the door hangers.⁴

3 **B. Legal Analysis**

4 The Act prohibits state and local candidates from spending funds on public
5 communications that refer to a clearly identified candidate for federal office and promote,
6 support, attack, or oppose a candidate for that office, unless the funds are in amounts and from
7 sources permitted by the Act, and are subject to the Act's reporting requirements.⁵ Therefore,
8 state and local candidates can only make such expenditures if they employ a reasonable
9 accounting method to be sure the communication is paid for with hard money.⁶

10 A state or local candidate can, however, partner with federal candidates to produce a
11 communication supporting all of their campaigns.⁷ So long as each candidate pays for her
12 allocable share of the communication, no candidate is spending money to support any other.⁸
13 The Commission's regulations state that, when candidates partner to make a publication, they
14 must allocate the costs based on "the proportion of space . . . devoted to each candidate as
15 compared to the total space . . . devoted to all candidates."⁹

³ Citizens to Elect Gray and Angela Mosley in her Official Capacity as Treasurer, Citizens to Elect Jay Mosley State Committee LLC and Angela D. Mosley in her Official Capacity as Treasurer & Linda Weaver Joint Resp. at 3 (Aug. 9, 2016).

⁴ *Id.*, Attach. F.

⁵ 52 U.S.C. § 30125(f), *cross-referencing id.* § 30101(20)(A)(iii).

⁶ Advisory Op. 2007-26 (Schock) at 3; Advisory Op. 2006-38 (Casey State Committee) at 3.

⁷ 11 C.F.R. § 106.1(a).

⁸ Advisory Op. 2006-11 (Washington Democratic State Central Committee) at 3 ("AO 2006-11") (concluding that a state political party that wished to distribute a flier featuring one clearly identified federal candidate with other "generically referenced candidates of the State Party Committee" had to pay for the correct proportion of the space used to promote the non-federal candidates, or it would be making a contribution to the federal candidate or a coordinated expenditure with the federal candidate).

⁹ 11 C.F.R. § 106.1(a). While this regulation applies only to expenditures made on behalf of "more than one clearly identified federal candidate," the Commission has applied the principle of allocation to situations in which only one federal candidate appears in a communication. *See* AO 2006-11 at 2-4.

1 Under Missouri law, candidates can accept unlimited contributions and contributions
2 from corporations and labor unions.¹⁰ Therefore, Missouri allows candidates to collect funds in
3 excess of federal limitations and from sources prohibited by the Act, *i.e.* soft money.¹¹

4 The available evidence here indicates that Citizens to Elect Gray, a Missouri political
5 committee free to collect soft money, paid for the entirety of the communication. However,
6 because Chappelle-Nadal occupied less than one-fifth of the space on the door hanger, the
7 potential amount in violation is less than \$71.31 ($\$356.56 \div 5$). Given this *de minimis* amount,
8 the Commission dismisses Citizens to Elect Gray's 52 U.S.C. § 30125(f) violation as a matter of
9 prosecutorial discretion.¹²

¹⁰ MO. REV. STAT. §§ 130.011-.160 (providing no contribution limit); *id.* § 130.029 (stating that corporations and labor organizations may make contributions).

¹¹ 52 U.S.C. § 30116(a)(1)(A) (providing the individual contribution limit); *Contribution Limits for 2015-2016 Federal Elections*, FED. ELECTION COMM'N, <http://www.fec.gov/info/contriblimitschart1516.pdf> (last visited Jan. 30, 2017) (stating that the indexed individual contribution limit to a candidate and her authorized committee is \$2,700 per person, per election); *see also* 52 U.S.C. § 30118(a) (prohibiting corporations and labor unions from contributing to candidates and political committees).

¹² *Heckler v. Chaney*, 470 U.S. 821 (1985).

FACTUAL AND LEGAL ANALYSIS

MUR: 7108

This matter was generated by a Complaint filed with the Federal Election Commission (the “Commission”) by Mary Patricia Dorsey. The Complaint alleges that Citizens to Elect Jay Mosley State Committee LLC and Angela D. Mosley in her official capacity as treasurer, together with local candidate Linda Weaver (collectively, the “Respondents”), violated the Federal Election Campaign Act of 1971, as amended (the “Act”), by spending soft money to print and distribute a door hanger supporting Maria Chappelle-Nadal’s federal candidacy.

The Complaint in this matter alleges that the Respondents paid for a door hanger supporting Chappelle-Nadal for Congress.¹ A copy of the door hanger is attached to the Complaint. The door hanger encourages people to “Vote Democratic & Elect” Chappelle-Nadal and state and local candidates Jay Mosley, Rochelle Walton Gray, Tony Weaver, and Linda Weaver. The front of the door hanger has pictures of each candidate and, on the back, there is more information about Jay Mosley and Rochelle Walton Gray and a disclaimer that states, “Paid for by Citizens to Elect Gray, Angela Mosley, Treasurer & by Citizens to Elect Jay Mosley, LLC, Angela Mosley, Treasurer.”²

Id., Attach. A.

1 The Respondents filed a Joint Response stating that, though it was the candidates'
2 original intention that Mosley's and Gray's committees share the cost of the door hanger,
3 Citizens to Elect Gray paid the entire cost of \$356.56.³ The Respondents attached a copy of the
4 order confirmation, which billed Citizens to Elect Gray for the door hangers.⁴

5 **B. Legal Analysis**

6 The Act prohibits state and local candidates from spending funds on public
7 communications that refer to a clearly identified candidate for federal office and promote,
8 support, attack, or oppose a candidate for that office, unless the funds are in amounts and from
9 sources permitted by the Act, and are subject to the Act's reporting requirements.⁵ Therefore,
10 state and local candidates can only make such expenditures if they employ a reasonable
11 accounting method to be sure the communication is paid for with federally permissible funds.⁶

12 The available evidence here indicates that Citizens to Elect Gray paid for the entirety of
13 the communication. Therefore, because neither Citizens to Elect Jay Mosley nor Linda Weaver
14 paid for the door hanger, the Commission finds no reason to believe that the Respondents
15 violated 52 U.S.C. § 30125(f).

³ Citizens to Elect Gray and Angela Mosley in her Official Capacity as Treasurer, Citizens to Elect Jay Mosley State Committee LLC and Angela D. Mosley in her Official Capacity as Treasurer & Linda Weaver Joint Resp. at 3 (Aug. 9, 2016).

⁴ *Id.*, Attach. F.

⁵ 52 U.S.C. § 30125(f), *cross-referencing id.* § 30101(20)(A)(iii).

⁶ Advisory Op. 2007-26 (Schock) at 3; Advisory Op. 2006-38 (Casey State Committee) at 3.